

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KONSTANTIN ZOGGOLIS,

Plaintiff,

vs.

WYNN LAS VEGAS, LLC,

Defendant.

2:11-CV-01562-PMP-PAL

ORDER

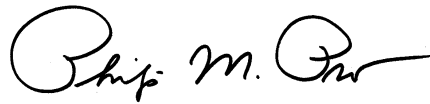
Plaintiff Konstantin Zoggolis commenced this action September 28, 2011 alleging claims for Breach of Contract (Count One), Recoupment (Count Two), and Injunctive Relief (Count Three) (Doc. #1). Currently before the Court is Defendant's fully briefed Motion to Dismiss (Doc. #9) which calls upon the Court to determine whether Plaintiffs First & Second Causes of Action are barred by Nevada Law, and whether Plaintiff's claim for injunctive relief is moot. The Court finds Defendant is entitled to dismissal of Plaintiffs claims in accord with Rule 12 (b)(6) of the Federal Rules of Civil Procedure.

Specifically, Plaintiff's claims for breach of contract and recoupment must be dismissed because this action arises from a dispute concerning a gambling debt which requires that Plaintiff exhaust administrative remedies pursuant to N.R.S. 463.361, et seq. prior to bringing suit. Additionally, Plaintiff's claim for injunctive relief is moot for the reasons set forth in Defendant's Motion (Doc. #9) and Reply (Doc. #11).

1 **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss
2 (Doc. #9) is **GRANTED** and that Plaintiff's Complaint (Doc. #1) is hereby
3 dismissed.

4 **IT IS FURTHER ORDERED** that Defendant's request for attorney fees is
5 **DENIED.**

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7 DATED: December 7, 2011.

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10 PHILIP M. PRO
United States District Judge
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